

Appln. No. 10/809,041
Amendment dated April 27, 2006
Reply to Office Action of November 1, 2005

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 1 and 2. This sheet, which includes Fig. 1 and 2, replaces the original sheet including Figs. 1 and 2.

Attachment: Replacement Sheet

REMARKS/ARGUMENTS

The Drawings

A replacement sheet of drawings accompanies this response. In the replacement sheet, Fig. 1 has been designated as "Prior Art". Text labels have been provided for each box shown in Fig. 2.

Approval of these changes to the drawing is respectfully requested.

The Claims

By the present amendment, claims 1, 2, 9-22, and 24 have been canceled. New claims 25-34 have been inserted in the application.

Presently Pending Claims

Newly submitted main independent claim 25 in this application is directed to an anesthesia/ventilation system arrangement in which a transponder on a CO₂ absorber means contains information relating to a CO₂ absorption characteristic of the absorber means. An electronic computation means is couplable to the anesthesia/ventilation system for receiving information relating to the amount of CO₂ introduced into a patient breathing circuit in the course of respiration by the patient. The electronic computation means receives the absorber means information from the transponder via an electronic information transfer means. The information from the absorber means and from the anesthesia/ventilation system enables the computation means to make a determination relating to the absorption of CO₂ by the absorption means, such as the remaining capacity in the absorption means or a predicted time of exhaustion of the absorber means. Dependent claims 26-34 and 3-8 note further details of the claimed arrangement, including particular determinations made by the computation means or information used by it, as well as details of the structure of the arrangement.

Support for the amended claims is found at page 8, line 7 through page 10, line 35 of the application specification, as filed.

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The amended claims in this application are believed to clearly distinguish over any teaching or suggestion of the references of record in the application. These references arise from the following sources and are further discussed, below. Cross references are noted where appropriate.

The following references were cited in the Office Action by the USPTO dated November 1, 2005.

US 4,958,075
US 5,694,924
US 6,131,571
US 6,173,711
US 2001/0022181 same as EP 1,120,126
US 2002/0023642

The following references were cited in the European Search Report forwarded with the Information Disclosure Statement under a Certificate of Mailing dated May 31, 2005 and acknowledged in the Office Action of November 1, 2005.

US 2002/038392 applied in USPTO Office Action
US 2002/157670
CA 2,291,375
EP 1,120,126 same as US 2001/0022181
WO 97/10020 same as US 2002/0023642
WO 02/05879

The following references were cited in a protest filed in this U.S. application under a Certificate of Mailing/Service of January 17, 2006. While a PTO Form 1449 accompanied the protest, these references are formally being made of record in the attached Information Disclosure Statement.

US 5,674,381 also cited in EP communication, infra
US 6,411,199
US 2001/0042707

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DE 201 13 789 also cited in EP protest, *infra*

The following references were cited in a third party communication dated March 2, 2006, filed in the corresponding European application. A copy of the communication and copies of the cited references, not already in the USPTO file are contained in the accompanying Information Disclosure Statement.

US 5,674,381 also cited in US protest, *supra*

US 6,626,355

WO 95/18644 corresponds to US 5,810,001

DE 201 13 789 also cited in US protest

The USPTO Office Action

Claims 13-16, 20 and 22 rejected in the USPTO Office Action of November 1, 2005 have been canceled by the above amendment.

References Cited in EPO Search Report

Published U.S. Patent Application 2002/038392 cited in the European Search Report was applied in the USPTO Office Action. As noted above, claims rejected on the basis of this reference have been canceled. This U.S. patent application shows the use of identifying tags on intravenous solution bags.

Published PCT Application WO 02/05879 shows the use of identifying tags on an inhaler type medicament dispenser. The amended claims are directed to an anesthesia/ventilation system arrangement, to the use of a transponder/tag on a CO₂ absorber therefor, and to a electronic computation means using information from the anesthesia/ventilation system and the transponder to make a determination relating to the absorption of CO₂ by the absorber.

Published U.S. Patent Application 2002/157670 shows an anesthesia reservoir. Canadian Application 2,291,375; European Application 1,120,126, and published PCT Application WO 97/10020 were cited as showing the technological background in the European Search Report.

References Cited in Protest Filed in U.S. Application

The documents cited in the protest filed in this U.S. application are commented on, below, in the order in which they are discussed in the protest document.

DE 201 13 789 shows a medical apparatus comprising a dialyzer with a base unit having a polling device for transponders on auxiliary devices for the dialyzer, such as arterial/venous connection lines, dialyzers, chemical canisters, or disposable syringes. The polling device and transponder simplify equipping of the base unit with auxiliary devices, provide inventory control, and determine the operating parameters of the base unit in dependence on the associated auxiliary devices.

Claims 25 et seq., are directed to an anesthesia/ventilation system arrangement. With respect to the concluding portion of newly submitted claim 25 and the comments to claim 3 made in the protest, paragraph 29 of the translation, appears to refer to the number of auxiliary devices used, i.e. disposable devices used, and not to the current state of a given auxiliary device, such as an absorption capacity of an absorber means.

U.S. Patent 5,674,381 was cited in connection with claims 6, 7, and now canceled claims 9, 18, 21, and 22. It shows an industrial vacuum or lubricating system for identifying filter type, time in use, and removed substance(s).

Published U.S. Patent Application 2001/0042707 was not applied in the claim chart in the protest. The same is true of U.S. Patent 6,411,199 directed to the circuitry of a transponder and reader.

European Patent Application Communication

U.S. Patent 6,626,355 cited in the communication filed in the corresponding European application shows apparatus for identifying an accessory piece and determining its expiry and number of uses so as to prevent reuse of disposable accessory pieces.

German Patent Publication DE 201 13 789 has been discussed above in connection with the protest filed in this U.S. application.

As noted above, published PCT Application WO 95/18644 corresponds to U.S. Patent 5,810,001 which is listed in the Information Disclosure Statement. The

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disclosure of this patent is directed to the interface between an anesthesia container and a vaporizer in an anesthesia machine. The claims now pending in the present U.S. patent application are directed to a CO₂ absorber in the breathing circuit. The submitter of the European Patent Office Communication alludes only to some implicit disclosure of certain features found in the examined claims. See third full paragraph on page 4.

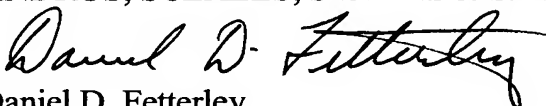
U.S. Patent 5,674,381 was also cited in the protest filed in this U.S. patent application and has been discussed above.

Conclusion

Claims 3-8, 23, and 25-34 are believed to define subject matter patentable over the references of record in this application. Allowance of this application with those claims is respectfully requested.

Respectfully submitted,

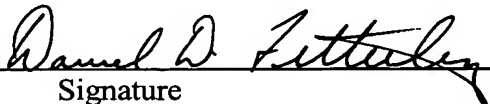
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Mail Stop - Amendment - Fee, P.O. Box 1450, Alexandria, VA 22313-1450 on the ~~27th~~ day of April, 2006.

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